UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

JEFF MULLINS d/b/a MULLINS AMMUNITION, INC.,	)))	
Plaintiff,	)))	NO. 07 C 50245
vs.	))	
RINKY DINK SYSTEMS, INC. d/b/a RD SYSTEMS, INC.	)))	
Defendant.	))	

PARTIES' PROPOSED CASE MANAGEMENT ORDER

I.   Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on February 14, 2008 and was attended by:

Robert Frederickson for Plaintiff Jeff Mullins d/b/a Mullins Ammunition, Inc.

Kim M. Casey for Defendant Rinky Dink Systems, Inc. d/b/a RD Systems, Inc.

II.   The Fed. R. Civ. P. 26(a)(1) material will be exchanged by March 28, 2008. Plaintiff to confirm that his file contains the same written materials as previously furnished by Defendant. Both parties have filed their initial Rule 26(a)(1) disclosures.

III.   Alternative Dispute Resolution Mediation. Counsels hereby certify that their clients have read the Pamphlet governing the court's mediation program, that counsels have discussed with their respective clients the available dispute resolution options provided by the court and private entities, and that counsels have given an estimation of the fees and costs that would be associated with the litigation of this matter, through trial, to their clients. Further, counsels have provided to their clients an estimate of the fees and expenses reasonably expected to be incurred through an early successful mediation. Counsels certify that they have discussed the available ADR options with their clients and have considered how this case might benefit from those options. Lastly, if this is a fee shifting case, defense counsels certify they have discussed the advantages and disadvantages of making a Rule 68 offer of judgment.

☐   Parties have agreed on early mediation. _____ has been chosen as the mediator. The mediation shall be held within sixty (60) days of this

order. Discovery (shall) (shall not) be stayed during the sixty (60) days of referral. Pursuant to ADR local rules, this case is hereby referred to mediation. Counsels and parties will submit evaluations to the Court within ten (10) days of the conclusion of mediation.

■   The parties believe the best time to mediate would be after written discovery has been exchanged and request a referral to mediation or a settlement conference with the Magistrate Judge be addressed at the next discovery conference.

☐   Parties request an immediate settlement conference with the Magistrate Judge.

☐   Parties plan to utilize private ADR. (Parties shall explain the private ADR and when it will take place).

☐   Parties request this case be excused from ADR.

IV.   Discovery Plan. The parties jointly propose to the court the following discovery plan:

A)   Discovery will be needed on the following subjects:

Extent and nature of tooling provided by Plaintiff for machine; product produced by Plaintiff and amounts paid to Plaintiff for same; damages claimed by Plaintiff.

B)   Maximum of 30 interrogatories by each party to any other party.

C)   Maximum of 30 requests for admission by each party to any other party.

D)   Maximum of 10 depositions by Plaintiff(s) and 3 by Defendant(s).

E)   Each deposition shall be limited to a maximum of 3 hours unless extended by agreement of the parties.

F)   Fact discovery cut-off is set for December 31, 2008.

G)   Report from retained expert for the Plaintiff under Rule 26(a)(2) due ___. Deposition of Plaintiff's expert shall be taken by _____. Report from retained expert for Defendant(s) under Rule 26(a)(2) due _____. Deposition of Defendant's expert shall be taken by _____. Supplementations under Rule 26(e) will be scheduled by the court at the request of the parties.

■   Schedule on expert discovery to be reserved and set at a later date.

H)   All discovery shall be cut off by _____ (should be no longer than date for Defendant's expert deposition).

I)   Time for the parties to amend pleadings and add counts or parties is hereby established as June 30, 2008.

J)   The parties suggest the next discovery conference with the court be July _____, 2008.

All dispositive motions will be due thirty (30) days after the fact discovery cut-off date unless otherwise ordered by the court and the parties agree pleadings, motions and briefs may be exchanged by e-mail, fax or other electronic means.